

VIRGINIA :

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA :

v. : Docket No. K79148

MIR AIMAL KANSI, :

Defendant. :

MOTION TO SUPPRESS EVIDENCE

Defendant. Mir Aimal Kansi, through counsel, respectfully moves this Court to suppress as evidence against him any statements, objects or information gathered as a result of his seizure in this case as having been obtained in violation of the fourth amendment to the United States Constitution and Article 1, Section 10 of the Virginia Constitution. In support of this motion, counsel states:

1. Some time at the beginning of June 1997, the defendant, Mir Aimal Kansi, was abducted from Pakistan by police forces of the United States acting pursuant to a capias issued by the Circuit Court of Fairfax County. The abduction was a seizure under the United States and Virginia Constitutions.

2. At the time of the abduction, an extradition treaty existed between the United States and Pakistan which described the procedures required when one country requested that the other country deliver up a person accused of a crime in one jurisdiction who is found within the territory of the other jurisdiction. Such was the case here where Mr. Kansi, accused of a crime in the United States was found within the territory of Pakistan. In addition, both countries have enacted statutes which create procedures to carry out extradition requests.

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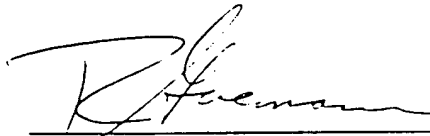
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DATE: NOV 2002

3. The abduction - seizure of Mr. Kansi was accomplished in violation of the Extradition Treaty between the United States and Pakistan and without invoking the procedures set out by the laws of each country. The manner in which the seizure was made was therefore illegal and unreasonable and violated the United States and Virginia Constitutions.

4. Because the manner in which Mr. Kansi was seized was unconstitutional, any evidence secured as a result of the seizure must be suppressed.

WHEREFORE, for the foregoing reasons, and any further reasons which may appear to the Court following a hearing in this matter, the Defendant respectfully requests that his motion be GRANTED.

Respectfully submitted.
MIR AIMAL KANSI
By Counsel



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